

ZB# 05-27

Vernon Couser

20-2-9

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted June 27, 2005

ZBA #05-27 VERNON COUSER
93 SILVER SPRINGS RD. (20-2-9) (AREA)



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

OFFICE OF THE ZONING BOARD OF APPEALS

September 20, 2005

Vernon Couser
93 Silver Spring Road
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-27

Dear Mr. & Mrs. Couser:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

**Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD**

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 20-2-9

In the Matter of the Application of

VERNON COUSER

**MEMORANDUM OF
DECISION GRANTING**

AREA

CASE #05-27

WHEREAS, Mr. & Mrs. Vernon Couser, owner(s) of 93 Silver Spring Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for: 7 ft. Rear Yard Setback for existing carport and;
Existing Accessory Blding projects closer to street than principal blding and;
Existing 6 ft. fence projecting between front of principal building and street

All at 93 Silver Spring Road in an R-4 Zone (20-2-9)

WHEREAS, a public hearing was held on JUNE 27, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The fence and the carport have been in existence for some time and there have been no complaints either formal or informal, about the fence or carport.

- (c) The garage was pre-existing when the present occupants purchased the house in approximately 1984.
- (d) The applicant was not aware of any removal of any trees or substantial vegetation in constructing the carport or fence.
- (e) Neither the carport or fence will create any ponding or collection of water or divert the flow of water drainage.
- (f) Neither the carport nor the fence are on top of nor do they interfere with any easements including, but not limited to, sewer, water or electrical easements.
- (g) The fence does not interfere with the safe operation of motor vehicles on the adjacent roadway.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for: 7 ft. Rear Yard Setback for existing carport and;

Existing Accessory Bldg projects closer to street than principal bldg and;

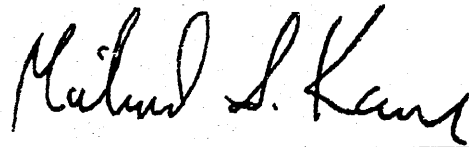
Existing 6 ft. fence projecting between front of principal building and street

All at 93 Silver Spring Road in an R-4 Zone (20-2-9) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: JUNE 27, 2005



Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 2-22-05

**APPLICANT: Vernon L. Couser & Claudia Couser
93 Silver Spring Rd.
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 2-16-05

FOR : Vernon L. Couser & Claudia Couser

LOCATED AT: 93 Silver Spring Rd.

ZONE: R-4 Sec/Blk/ Lot: 20-2-9

COPY

DESCRIPTION OF EXISTING SITE: EXISTING GARAGE WITH 12X22 CANOPY

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. 300-11A1b SUCH BUILDING SHALL BE SET BACK 10' FROM ANY LOT LINE.
CARPORT IS 3' FROM THE REAR PROPERTY LINE.
300-11A3 NO ACCESSORY BUILDING SHALL PROJECT NEARER TO THE STREET
ON WHICH THE PRINCIPAL BUILDING FRONTS THAN SUCH PRINCIPAL BUILDING.
A VARANCE TO PERMIT THE 12X22 CANOPY IS REQUIRED.**

Louis J. Kynhear
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE:

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD: NP 4'

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 10' 3' 7'

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

[illegible]

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

RECEIVED

FEB 16 2005

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of work, it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and approved plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2005-91

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises VERNON + Claudia Couser

Address 93 SILVER Spring Rd Phone # 845-561-6606

Mailing Address NEW WINDSOR NY 12553 Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 20 Block 2 Lot 9

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

6. Is this a corner lot? yes

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee _____

PAID

Check # 5473 \$50
paid of

Existing
22 x 31
Garage
with
Attached
12 x 22 canopy

1 1
date

67
APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

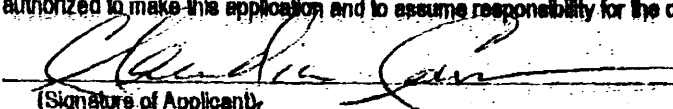
Building Inspector: Michael L. Sabocch
Asst. Inspectors: Frank Lisi & Louis Krychew
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4895 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

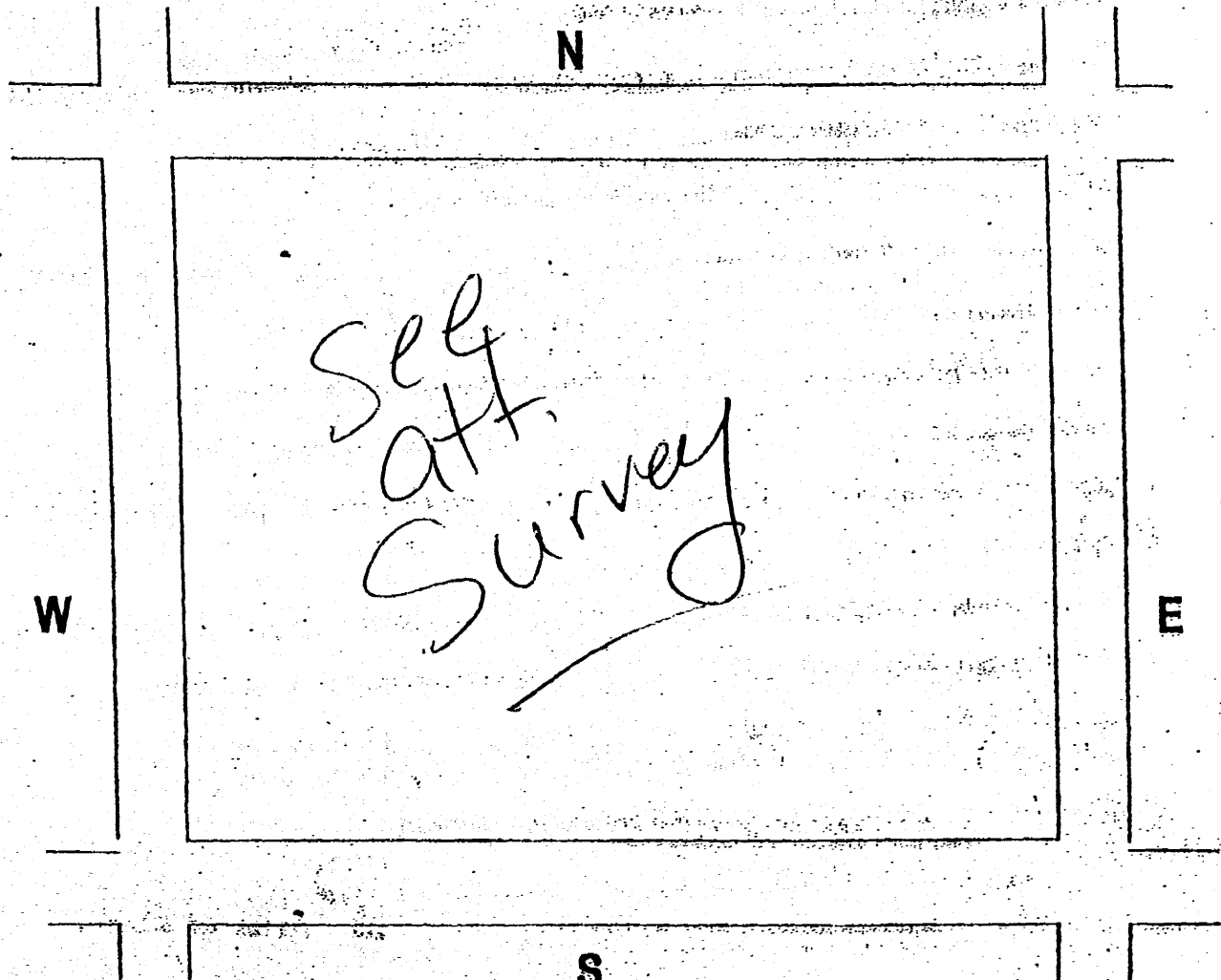
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.


(Signature of Applicant)

(Address of Applicant)

PLOT PLAN

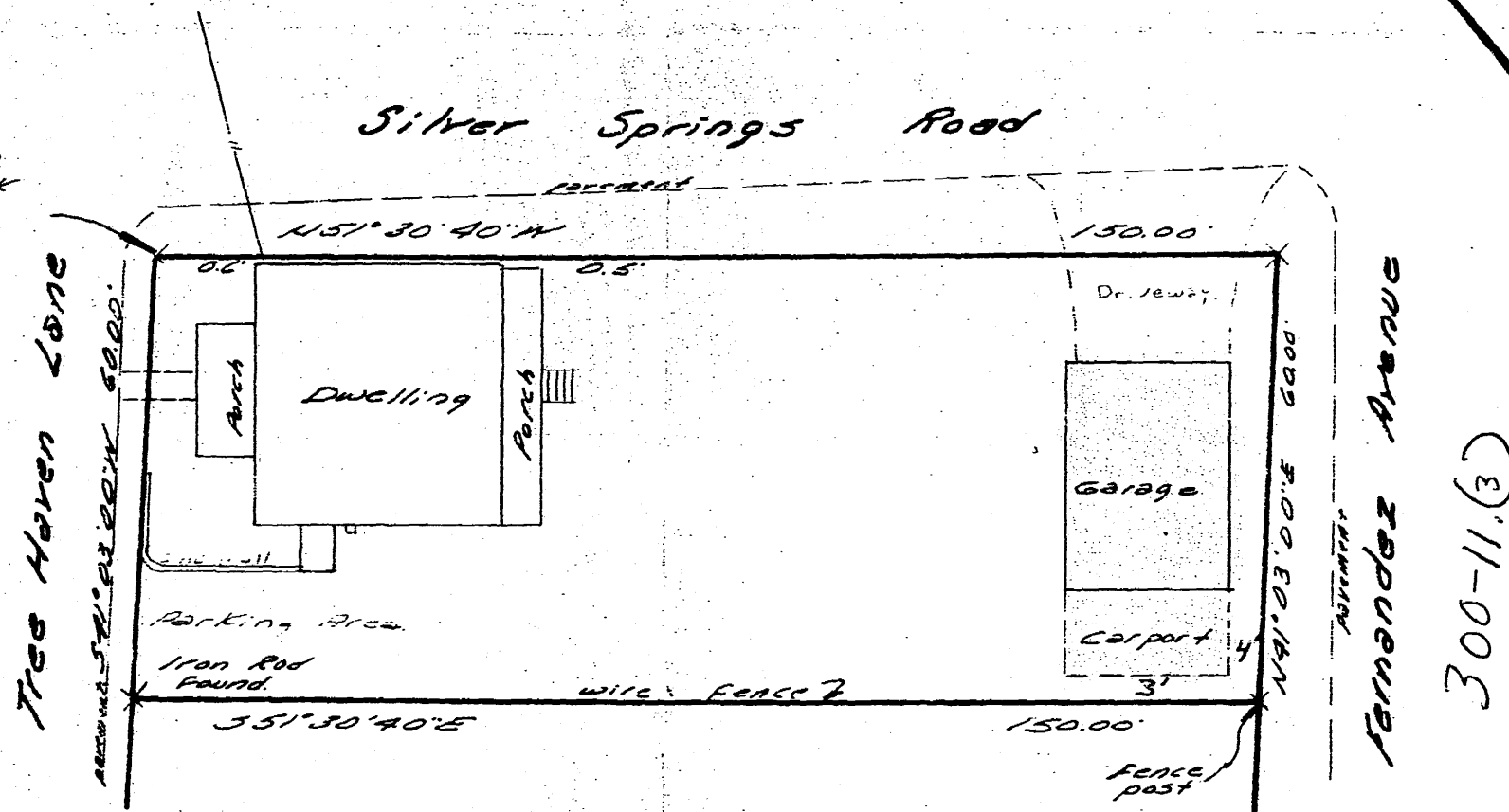
NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Town of New Windsor Tax Map
Section 20 Block 2 Lot 9

"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law."

Ronald A. Whitman



Survey Map For

Vernon Couser
Claudia Couser

SCALE: 1" = 20'

APPROVED BY:

DRAWN BY

DATE: June 4, 1984

REVISÉD

Town of New Windsor Orange Co., N.Y.

Washburn Associates
 44-52 Route 9W
 New Windsor, N.Y.

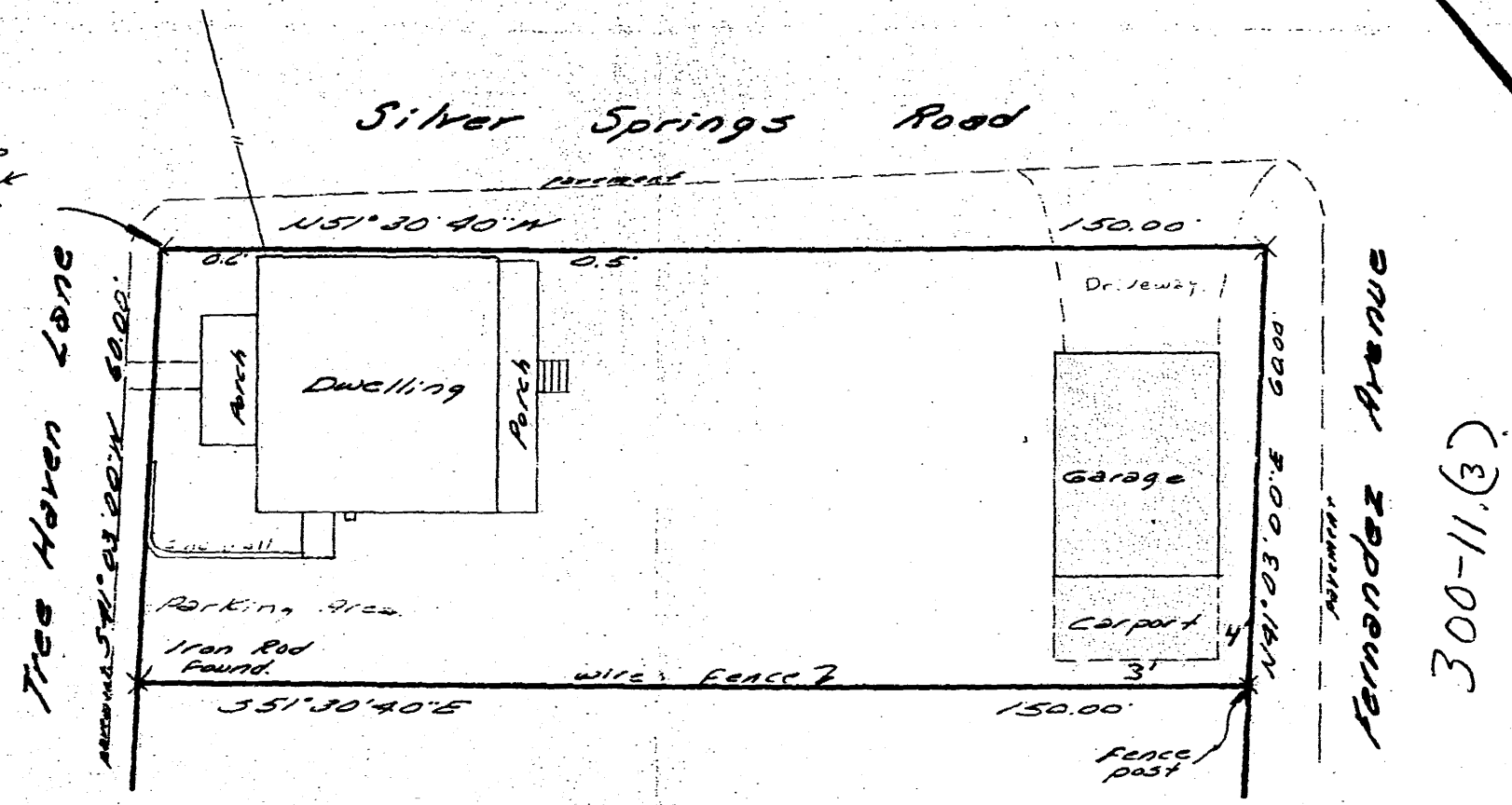
Town of New Windsor Tax Map
 Section 20 Block 2 Lot 9

"Only copies from the original of this survey marked with an original of the land surveyor's inked seal or his embossed seal shall be considered to be valid true copies."
 "Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law."

"Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners."



Vernon Couser
 Claudia Couser
 Colonial Mortgage Corp.
 American Title Insurance Co.
 Midlantic Home Mortgage Corp.
 Certified true and correct
 as shown hereon.
 Ronald A. Washburn

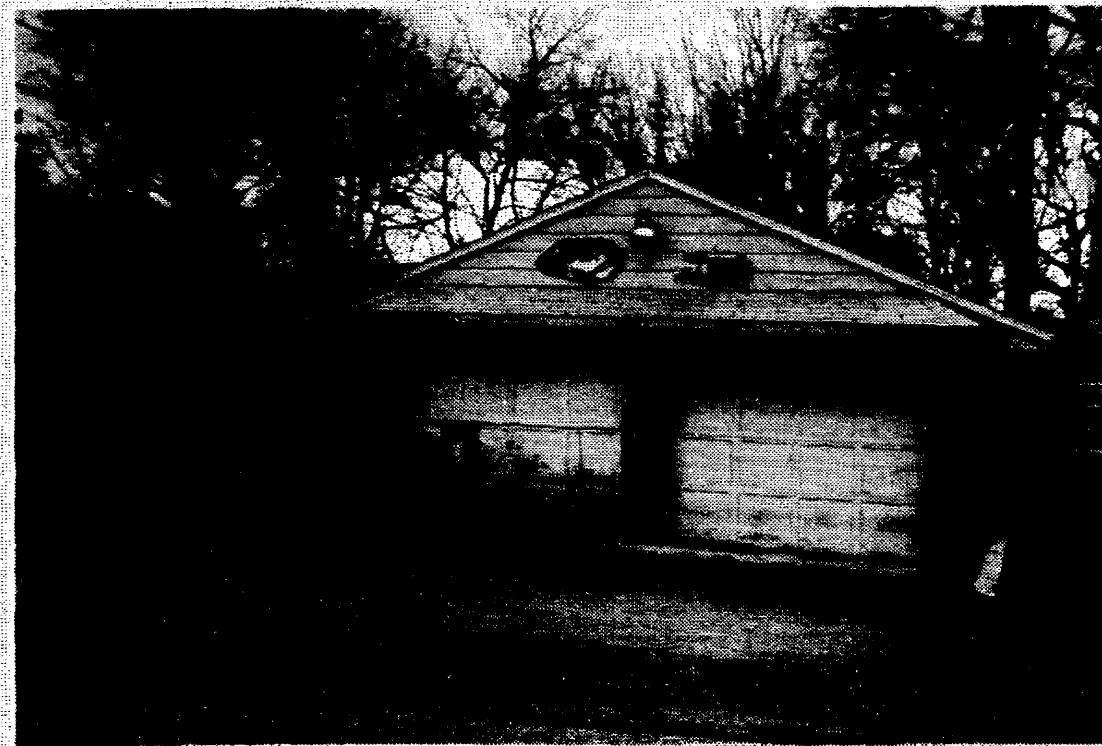


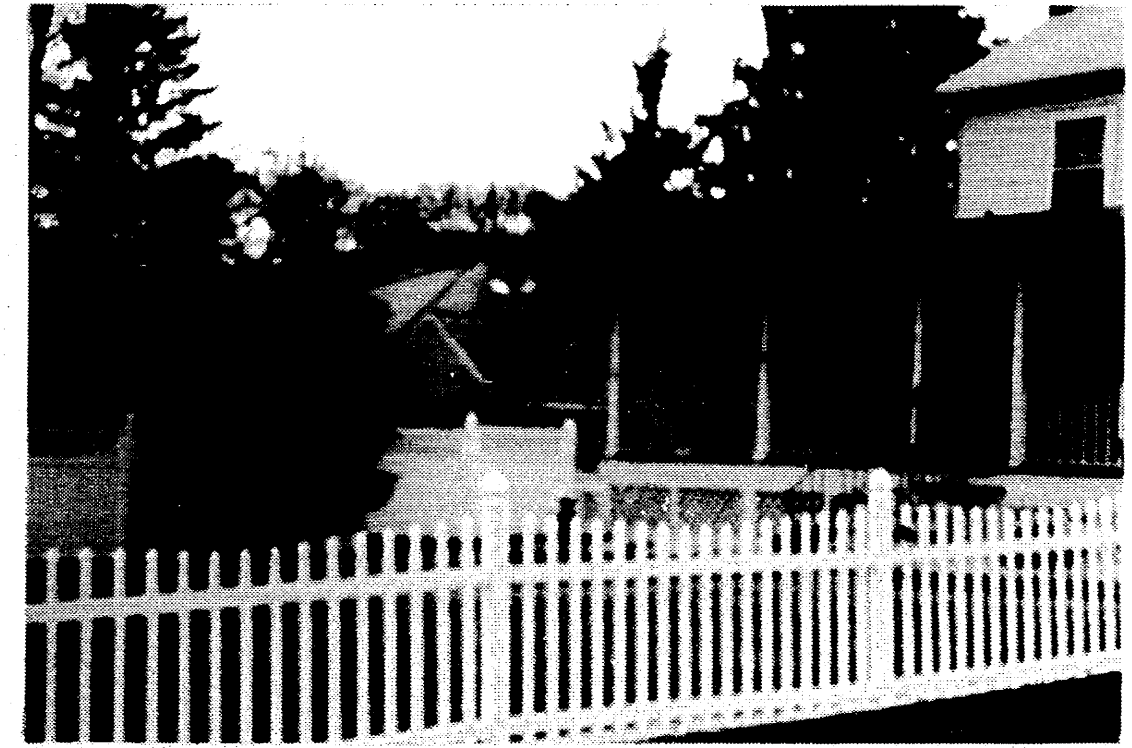
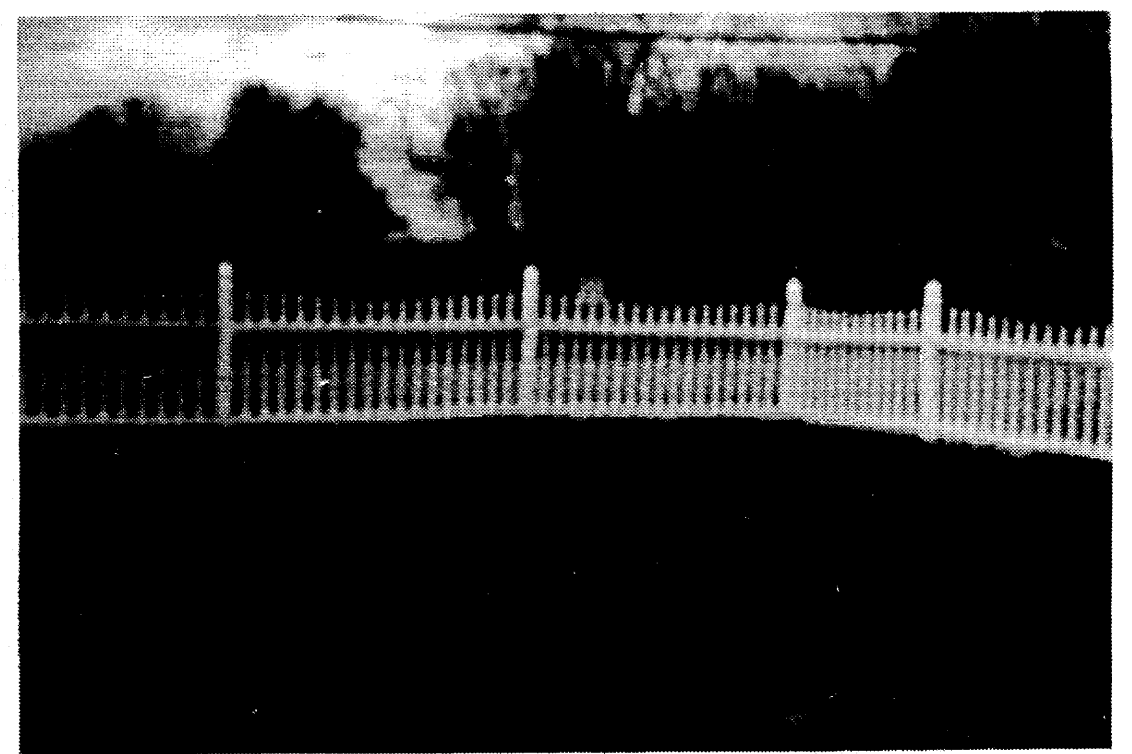
Survey Map For
Vernon Couser
Claudia Couser

SCALE: 1"=20'	APPROVED BY:	DRAWN BY:
DATE: June 4, 1984		REVISED:

Town of New Windsor Orange Co., N.Y.

50

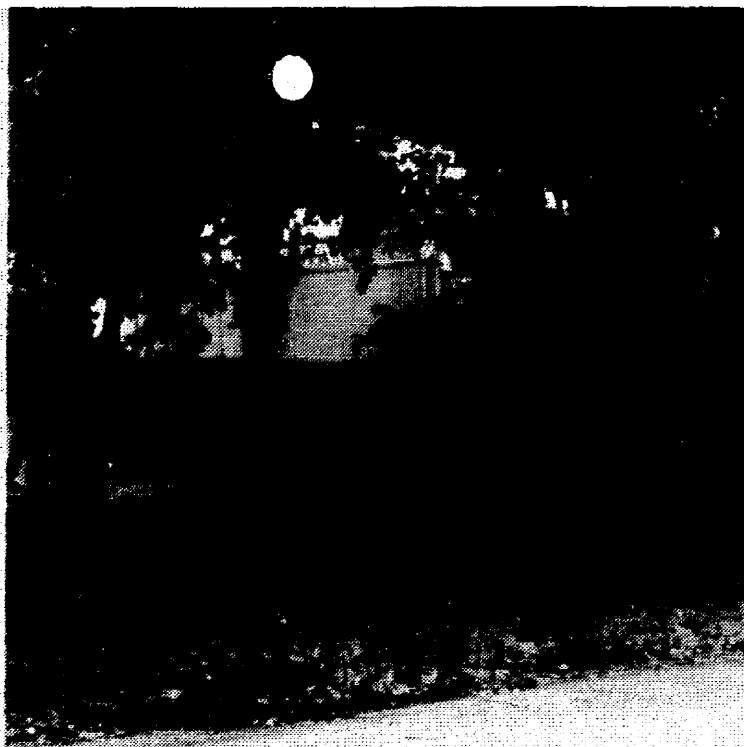




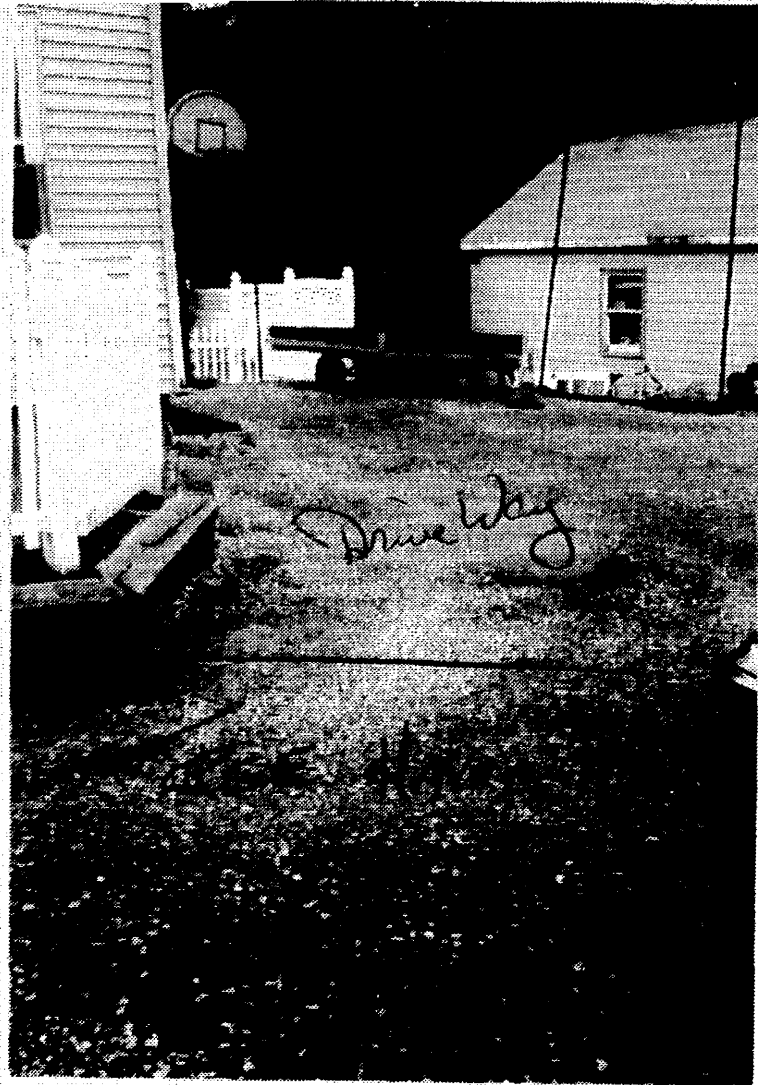
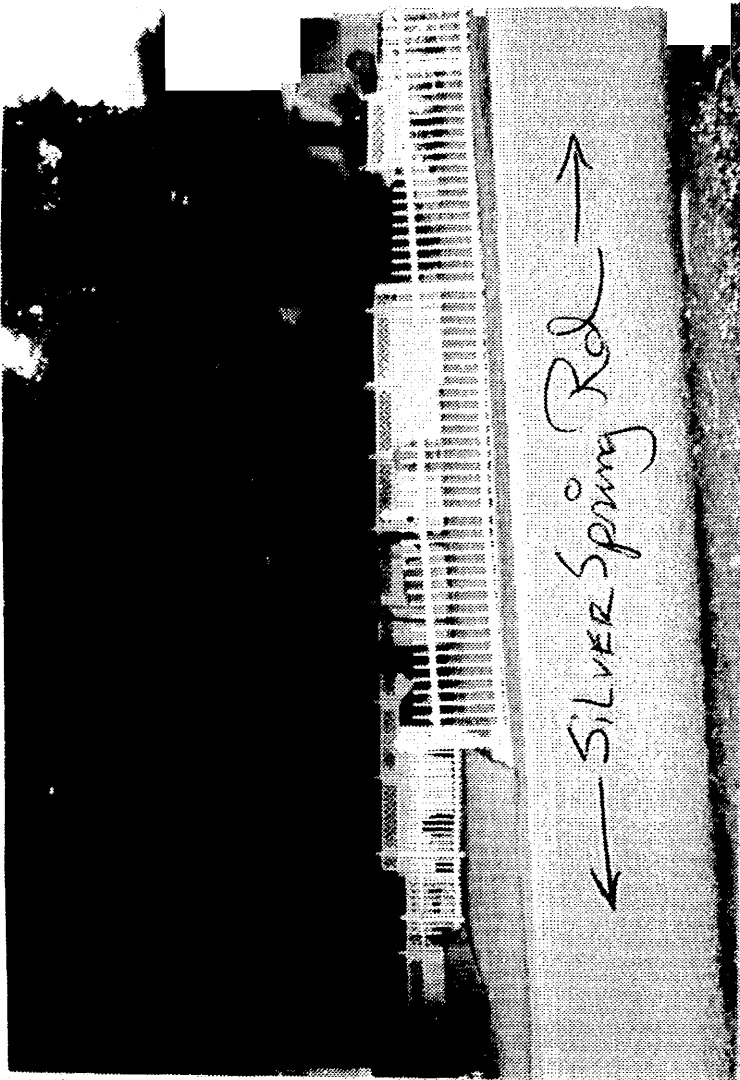




← Fernandez Rd →



Fernandez Rd



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: August 24, 2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 131.90 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-27

NAME & ADDRESS:

**Vernon Couser
93 Silver Spring Road
New Windsor, NY 12553**

THANK YOU,

MYRA

LR-8-24-05



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



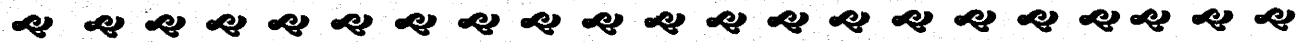
FILE #05-27 TYPE: AREA TELEPHONE: 561-6606

APPLICANT:

Vernon Couser
93 Silver Spring Road
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK #5552
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK #5551



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$5.50 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>4</u>	PAGES	<u>\$ 22.00</u>	<u>\$ 35.00</u>
2 ND PRELIMINARY:	—	PAGES	<u>\$ _____</u>	<u>\$ _____</u>
PUBLIC HEARING:	<u>4</u>	PAGES	<u>\$ 22.00</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	—	PAGES	<u>\$ _____</u>	<u>\$ _____</u>

LEGAL AD: Publish Date: 6/10 \$ 54.10

TOTAL:	<u>\$ 98.10</u>	<u>\$ 70.00</u>
--------	-----------------	-----------------



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 168.10

AMOUNT DUE: \$ _____

REFUND DUE: \$ 131.90

Cc:

L.R. 8-24-05

Town of New Windsor
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-27

Request of VERNON & CLAUDIA COUSER
for a VARIANCE of the Zoning Local Law to Permit:
7 ft. Rear Yard Setback for existing carport
(300-11A.8) and;

Existing Accessory Bldg. projects closer to street
than principal bldg (300-11-A.3) and;

Existing 6 ft. fence projecting between front of
principal building and street (300-11, C1C).

All at 93 Silver Spring Road in an R-4 Zone (20-2-9)

PUBLIC HEARING will take place on JUNE 27,
2005 at the New Windsor Town Hall, 555 Union Avenue,
New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE
CHAIRMAN

Ad Number: 1766837 Advertiser: NEW WINDSOR, TOWN OF

Phone: 8455634611 Sys No: 854 Caller: NEW WINDSOR, TOWN OF

INVOKING CUSTOMER:

Phone: 8455634611 Sys No: 854 AcctNo: 5642 P.O. No:

Name: NEW WINDSOR, TOWN OF Subscriber:

Address: TOWN CLERK

TOWN HALL, 555 UNION AVE

NEW WINDSOR NY 12553

ORDER:

Printed By: THRGALWSK Date: 06/08/2005 Assigned Sales: TownofNewWindsor ZONINGBOARDOFAPPEALS P AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

Product: THH Paper: TH Class: 999X; LEGAL BILLING

Schedule: Start Date - 06/10/2005 End Date - 06/10/2005

Sort: TOWN OF NEW WINDSORZONING BOARD OF APPEA

PRODUCTION:

Text Size: 2 x 30.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tearsheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

PRICING:

Price: 54.10 Payment Method: B1 Amount Paid: 0 Amount Owed: 54.1

PriceMethod: 0 (0=Normal, 1=User Net, 2=System Gross) Rate Code: LEL

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0

TIMES HERALD-RECORD

40 Mulberry Street, Middletown, NY 10940

State of New York:

County of Orange: ss:

Patricia Foddri!!

Being duly sworn deposes and says that the
ORANGE COUNTY PUBLICATIONS Division
of Ottaway Newspapers-Radio, Inc. is a corporation
organized under the laws of the State of New York
and is, at all the times hereinafter mentioned,
was the printer and publisher of The Times Herald-Record,
a daily newspaper distributed in the
Orange, Ulster, Rockland, Dutchess, Pike, PA,
Delaware and Sullivan Counties, published in
the English language in the City of Middletown,
County of Orange, State of New York, that deponent
is the

Legal Advertising Rep.

of said The Times Herald-Record acquainted with
the facts hereinafter stated, and duly authorized by
said Corporation to make this affidavit; that the

Public Notice

a true printed copy of which is hereunto annexed,
has been duly and regularly published in the manner
required by law in said The Times Herald-Record in
each of its issues published upon each of the
following dates, to wit: In its issues of

6/10/05

Signature of Representative:

Sworn in before me this 14

Day of June 2005

Carol M. Montana
Notary Public, Orange County

CAROL M. MONTANA
Notary Public, State of New York
Sullivan County Clerk's #2041
Commission Expires Dec. 12, 20 06

VERNON COUSER (05-27)

MR. KANE: Request for 7 ft. rear yard setback for existing carport and existing accessory building projects closer to street than principal building and existing 6 ft. fence projecting between front of principal building and street all at 93 Silver Spring Road.

Mr. and Mrs. Vernon Couser appeared before the board for this proposal.

MR. KANE: Tell us what you want to do, sir.

MRS. COUSER: Basically, it's pre-existing garage when we bought the house and seems it doesn't have a C.O. so whatever in '84 it was fine when we bought the house but obviously not now.

MR. KANE: Honestly who drives this for the most part is banks, not the town, especially going that far back now they do a much, much more thorough search on the buildings on your property, I mean, I had them after me for a dog house they said was an illegal building so I threw it in the shed and it was gone. But it's the banks that really kind of push that but that's why you're seeing more of it happen.

MRS. COUSER: I spoke to the abstract company, I spoke to the lawyers, realtor, spoke to everybody, even called Goshen and they still said it comes back right back around to the town so been there, done that. Fence was replaced and we have the pictures and it's, I got you the pictures that shows it does not come anywhere or block any view as far as any roads that you requested the last time and that's it, just need to get this baby legal, I guess.

MR. KANE: Any complaints formally or informally about that garage in all these years?

MRS. COUSER: No.

MR. COUSER: Everybody comes there to drink.

MRS. COUSER: It used to be a hang out years ago, evidently years ago people are telling us that we were back there in the '50s and it was like okay but you guys wouldn't accept an affidavit, it's signed by these people saying that they can lie for us so okay, fine, whatever.

MR. COUSER: Tell the truth, not lie.

MRS. COUSER: Sorry, it gets me when we bought the house in '84 everything was fine but now it pops up.

MR. KANE: It does but at least it's getting squared away. To your knowledge, was there any cutting down of trees, substantial vegetation in the building of the garage? I have to ask the questions.

MRS. COUSER: I wasn't born when it was built, no.

MR. KANE: Create any water hazards or runoffs?

MRS. COUSER: No.

MR. KANE: Doesn't sit on any type of easement?

MRS. COUSER: No.

MR. KANE: Carport is right behind the garage if you look at the map.

MR. KRIEGER: When you look at the survey, does it show any easements?

MRS. COUSER: No, I'm sorry, no, I thought--

MR. KRIEGER: If you had it, it would show up in the survey, wouldn't necessarily show up in the--

MR. COUSER: I know where the sewer is, the water lines are along the side.

MR. KANE: At this point, I will open it up, ask if there's anybody in the public for this particular hearing? There's no one so we'll close the public portion and get it back to Myra, how many mailings.

MS. MASON: On June 8, I mailed out 52 envelopes and had no response.

MR. KANE: I have no further questions. I don't want to get on her bad side. Rest of the board, any other questions?

MS. GANN: No.

MS. LOCEY: No.

MR. KANE: I'll accept a motion.

MS. LOCEY: I will offer a motion to grant the requested variances to Vernon Couser for his 7 foot rear yard setback for existing carport, existing accessory building which projects closer to the street than the principal building and the existing 6 foot fence projecting between the front of the principal building and the street all at 93 Silver Springs Road in an R-4 zone.

MS. GANN: I will second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE

June 27, 2005

29

MR. REIS
MR. KANE

AYE
AYE



RESULTS OF Z.B.A. MEETING OF: June 22, 2005

PROJECT: Vernon Couser

ZBA # 05-27

P.B.# _____

USE VARIANCE: _____

NEED: EAF _____

PROXY _____



LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____

LOCEY _____

BROWN _____

MCDONALD _____

REIS _____

KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____

LOCEY _____

BROWN _____

MCDONALD _____

REIS _____

KANE _____

CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____

LOCEY _____

BROWN _____

MCDONALD _____

REIS _____

KANE _____

CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____

LOCEY _____

BROWN _____

MCDONALD _____

REIS _____

KANE _____

CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: _____

M) _____ S) _____

VOTE: A _____ N _____

GANN _____

LOCEY _____

BROWN _____

MCDONALD _____

REIS _____

KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: _____

STATEMENT OF MAILING READ INTO MINUTES ☒

VARIANCE APPROVED: _____

M) 6 S) 6 VOTE: A 5 N 0

GANN _____

LOCEY _____

BROWN _____

~~MCDONALD~~ _____

REIS _____

KANE _____

CARRIED: Y ☒ N _____

No Complaints

No Public Comment

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

VERNON COUSER

AFFIDAVIT OF SERVICE BY MAIL

#05-27

X


STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 8TH day of JUNE, 2005, I compared the (52) addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Myra Mason
Myra L. Mason, Secretary

8th day of June, 2005


Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-27

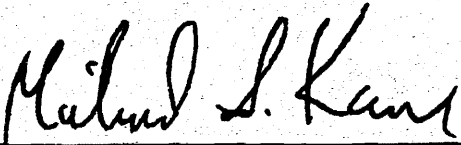
Request of VERNON & CLAUDIA COUSER

for a VARIANCE of the Zoning Local Law to Permit:

**7 ft. Rear Yard Setback for existing carport (300-11A1b) and;
Existing Accessory Blding projects closer to street than principal blding
(300-11-A3)and;
Existing 6 ft. fence projecting between front of principal building
and street(300-11,CIC).**

All at 93 Silver Spring Road in an R-4 Zone (20-2-9)

PUBLIC HEARING will take place on JUNE 27, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

May 27, 2005

Claudia Couser
93 Silver Spring Road
New Windsor, NY 12553

Re: 20-2-9 ZBA#: 05-27 ⁵²(58)

Dear Mrs. Couser:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

19-4-47
Vincent & Christine Circhio
180 Quassaick Ave.
New Windsor, NY 12553

19-4-49
John Mele & Rose Navarra
11 St. Anne Dr.
New Windsor, NY 12553

19-4-59
George & Barbara Benninger
26 Old Pleasant Hill Rd.
New Windsor, NY 12553

19-4-60.1
Adam & Lisa Nogrady
PO Box 4467
Newburgh, NY 12550

19-4-60.2
Jesse Morrill & Angela June
15 Kayleen Dr.
New Windsor, NY 12553

19-4-103
John & Colleen Babcock
14 Kayleen Dr.
New Windsor, NY 12553

20-1-1
Newburgh Enlarged School District
124 Grand St.
Newburgh, NY 12550

20-1-2
Anna Mary White
21 Broad St.
New Windsor, NY 12553

20-1-3
Douglas & Young Campbell
19 Broad St.
New Windsor, NY 12553

20-1-25
James Rourke & Mae Edna
10 Riverview Ave.
New Windsor, NY 12553

20-1-27
Joyce Opoku
6 Riverview Ave.
New Windsor, NY 12553

20-1-28
Robert & Suzanne Barr
10 Savannah Lane
Newburgh, NY 12550

20-1-29
Lisa Calapa
2 Riverview Ave.
New Windsor, NY 12553

20-1-30
Wade & Debra Cornman
66 Silver Spring Rd.
New Windsor, NY 12553

20-1-31
George & Gladys Tibby
68 Silver Spring Rd.
New Windsor, NY 12553

20-1-32
William Gladys Lawlor
1845 N. Banana River Dr.
Merritt Island, FL 32952

20-1-33
Roland Verdier
72 Silver Spring Rd.
New Windsor, NY 12553

20-1-34
Rodney & June Miller
74 Silver Spring Rd.
New Windsor, NY 12553

20-2-1
Marion Embler
191 Quassaick Ave.
New Windsor, NY 12553

20-2-2
Gail Blair
193 Quassaick Ave.
New Windsor, NY 12553

20-2-3
Bernadette Cavallo Guilarte
195 Quassaick Ave.
New Windsor, NY 12553

20-2-4
Randall Lewis
197 Quassaick Ave.
New Windsor, NY 12553

20-2-5
Dawn Farrow
8 Treehaven Lane
New Windsor, NY 12553

20-2-6
Antoinette Ferraiolo
3 Archery Road
Newburgh, NY 12550

20-2-7
Deirdre Cocchia
99 Silver Spring Rd.
New Windsor, NY 12553

20-2-8
Armen & Jana Papazian
97 Silver Spring Road
New Windsor, NY 12553

20-2-10
Mark Armour, II
1 Tree Haven Lane
New Windsor, NY 12553

20-2-11 & 12
Frank Maresco
3 Tree Haven Lane
New Windsor, NY 12553

20-2-13
Charles & Jane Thompson
24 Fernandez Drive
New Windsor, NY 12553

20-2-14
George Kingsley
87 Silver Spring Road
New Windsor, NY 12553

20-2-15
Raffaella Trent
P.O. Box 4736
New Windsor, NY 12553

20-2-17.211
Margaret & Tristan Welling
81 Silver Spring Road
New Windsor, NY 12553

20-2-18
Mickey & Donna Yannoni
16 Fernandez Drive
New Windsor, NY 12553

20-2-80
James & RoseMarie Ray
62 Union Avenue
New Windsor, NY 12553

20-2-83
Mary Smith
21 Fernandez Drive
New Windsor, NY 12553

20-2-87, 88 & 89
Rosemarie Callan
76 Union Avenue
New Windsor, NY 12553

20-2-9.1
Richard & Beth Fiore
P.O. Box 1150
Newburgh, NY 12550

20-2-94
Brian & Suzanne Bove
79 Silver Spring Road
New Windsor, NY 12553

20-2-16
William & Kathleen Spellman
20 Fernandez Drive
New Windsor, NY 12553

20-2-17.212
Charles Sandike
77 Silver Spring Road
New Windsor, NY 12553

20-2-19
Patrick Callahan
Kimberly Corbett
12 Fernandez Drive
New Windsor, NY 12553

20-2-81
Rosa Perez Salgado
17 Fernandez Drive
New Windsor, NY 12553

20-2-84
Richard & Linda Ostner
66 Union Avenue
New Windsor, NY 12553

20-2-90
Salvador & Irene Paratore
810 Glen Abbey Way
Melbourne, FL 32940

20-2-93.2
Frank Scarbaci
25 Fernandez Drive
New Windsor, NY 12553

20-2-17.1 & 17.23
Michael Petrocelli
73 Silver Spring Road
New Windsor, NY 12553

20-2-17.22
Phyllis Creagan
18 Fernandez Drive
New Windsor, NY 12553

20-2-23.1
Dominick Ponzo
69 Silver Spring Road
New Windsor, NY 12553

20-2-82
Christopher Vavrinec
19 Fernandez Drive
New Windsor, NY 12553

20-2-86
Lee & Christine Stout
70 Union Avenue
New Windsor, NY 12553

20-2-91
Robert & Lilibeth Spadaro
82 Union Avenue
New Windsor, NY 12553

20-2-93.3
Michael Forrester
Kathleen Cummings
23 Fernandez Drive
New Windsor, NY 12553

VERNON COUSER (05-27)

MR. KANE: Request for 7 ft. rear yard setback for existing carport and existing accessory building projecting closer to street than principal building and existing 6 ft. fence projecting between front of principal building and street.

Mr. and Mrs. Couser appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MRS. COUSER: We already have an existing garage prior to our purchase of the home, we purchased the house in '84, the town claims they picked up the garage in '95, okay, here's my survey without, you already have it along with all my other proofs and documentation as far as the garage and the canopy is concerned, it's been there prior to us, we don't, you know, I foresee that there should have been a problem when we originally bought the house, if the town didn't pick it up until '95 unfortunately, I'm sorry.

MR. KANE: It's also not always the towns that drive us, it's the banks, so some banks would look at it, some banks won't, that's where they get in touch with the town, give a notice so it's not always the town going out and looking for these things.

MRS. COUSER: I have a lot of documentation that I gave to Myra, the six-foot fence to there was on the back part of the property to continue with that wire fence, it wasn't, it was an old dangerous fence, it was like chicken wire so it basically was dangerous to our children, other children, we had a dog at the time so we replaced it with the vinyl fence in the back and tried to bring up the value of the property also.

MR. KANE: Well, as far as the carport existence before you purchased the house any complaints formally or informally about the carport?

MRS. COUSER: Never.

MR. KANE: To your knowledge?

MRS. COUSER: Carport or garage never.

MR. KANE: Cutting down any trees or substantial

May 23, 2005

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vegetation that you know of at the time? Creating any water hazards or runoffs, nothing along those lines?

MRS. COUSER: No.

MR. KANE: You have been there for the last 20 years?

MRS. COUSER: Yes.

MR. REIS: What prompted you to come before us?

MRS. COUSER: All of sudden when we're going to go refinance there were no problems but I brought it up to the town basically because all of a sudden they're saying that the garage wasn't there but it seems like so let's put it this way, instead of us dying and letting our kids handle it, we figured we'd take care of it.

MR. KANE: The banks are getting very tough with doing that, even when I went through my refinancing they told me I had an illegal building on my property, it turned out to be a dog house, picked it up, threw it in the shed. I wasn't giving him another 75 bucks but that's the bank's doing, that's why.

MRS. COUSER: They didn't catch it, there was no problems, everything went through but we find out that that's the problem so we figured let's do it now rather than the kids having a problem later on.

MR. KANE: Obviously, it would be a financial difficulty to move, relocate the garage and the carport?

MRS. COUSER: I would think so, right now we can't tear it down, he hangs out in the garage, I hang out in the house, that's out of the question, 27 years, it works.

MR. BABCOCK: I just want to make one comment on the survey, if you look at that, he has three front yards so there's nowhere that he could build a garage on his property without being here.

MR. KANE: Yeah, I saw that. Okay, any further questions on the garage or the carport?

MS. GANN: No.

MR. KANE: To the fence then, fence is there for safety

May 23, 2005

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reasons, does not block the view of any traffic?

MRS. COUSER: No.

MR. KANE: Could you do me a favor and just provide some pictures from across the street on each corner, just look at the fence so that we can see them for the records. We need a nice shot of the street showing the fence.

MR. KRIEGER: What he's getting at if you were a motorist, the view.

MRS. COUSER: It's in the back part of the house.

MR. KANE: Need one from the street as if you were a motorist looking at it so it's in the record and they can see that picture.

MRS. COUSER: That's easy enough.

MR. KANE: The fence itself is similar to other fences in the neighborhood?

MR. COUSER: Ours is.

MR. KANE: With the building of the fence, cutting down any trees, substantial shrubbery, vegetation?

MRS. COUSER: No.

MR. KANE: Create any water hazards or runoffs?

MRS. COUSER: No.

MR. KANE: Did the fence itself have a permit, Mike, previous or there was no permit ever on either?

MR. BABCOCK: No.

MR. KANE: Any complaints about the fence formally or informally?

MRS. COUSER: Yeah, they love it, brought up the value of the neighborhood.

MR. KANE: Any further questions? I'll accept a motion.

MS. GANN: I will offer a motion that we set up Vernon

May 23, 2005

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Couser for a public hearing for his request for the seven-foot rear yard setback from existing carport and existing accessory building that projects closer to the street than the principal building and the existing six-foot fence projecting between the front of the principal building and the street all at 93 Silver Springs Road in an R-4 zone.

MS. LOCEY: I'll second that motion.

ROLL CALL

MS. LOCEY	AYE
MS. GANN	AYE
MR. REIS	AYE
MR. BROWN	AYE
MR. KANE	AYE



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

June 8, 2005

Vernon Couser
93 Silver Spring Road
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-27

Dear Mr. & Mrs. Couser:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

93 Silver Spring Road
New Windsor, NY

is scheduled for the June 27, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



RESULTS OF Z.B.A. MEETING OF:

May 23, 2005

PROJECT: Vernon CouserZBA # 05-27

P.B.# _____

USE VARIANCE:

NEED: EAF _____

PROXY _____



LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____

LOCEY _____

BROWN _____

MCDONALD _____

REIS _____

KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____

LOCEY _____

BROWN _____

MCDONALD _____

REIS _____

KANE _____

CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____

LOCEY _____

BROWN _____

MCDONALD _____

REIS _____

KANE _____

CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____

LOCEY _____

BROWN _____

MCDONALD _____

REIS _____

KANE _____

CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) G S) LVOTE: A 5 N 0GANN ALOCEY ABROWN A~~MCDONALD~~REIS AKANE ACARRIED: Y ☒ N _____

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED:

M) _____ S) _____ VOTE: A _____ N _____

GANN _____

LOCEY _____

BROWN _____

MC DONALD _____

REIS _____

KANE _____

CARRIED: Y _____ N _____

CarpenterNo ComplaintsNo Trees or Veg.No DrainageFence:Need pictures of fence from streetNo complaints

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#466-2005

05/19/2005

Couser, Claudia *ZBA 05-27*

Received \$ 50.00 for Zoning Board Fees, on 05/19/2005. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: MAY 19, 2005

FOR: ESCROW 05-27

FROM:

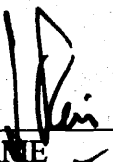
VERNON & CLAUDIA COUSER
93 SILVER SPRING ROAD
NEW WINDSOR, NY 12553

CHECK NUMBER: 5551

TELEPHONE: 561-6606

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

5/22/05

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

TOWN OF NEW WINDSOR

REQUEST FOR NOTIFICATION LIST

DATE: 05-19-2005 PROJECT NUMBER: ZBA# 05-27 P.B. # _____

APPLICANT NAME: VERNON COUSER

PERSON TO NOTIFY TO PICK UP LIST:

CLAUDIA COUSER
93 SILVER SPRING ROAD
NEW WINDSOR, NY 12553

TELEPHONE: 561-6606

TAX MAP NUMBER:	SEC. <u>20</u>	B LOCK <u>2</u>	LOT <u>9</u>
	SEC. _____	BLOCK _____	LOT _____
	SEC. _____	B LOCK _____	LOT _____

PROPERTY LOCATION: 93 SILVER SPRING ROAD
NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
 (ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
 OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 5553

TOTAL CHARGES: _____



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

May 19, 2005

Vernon Couser
93 Silver Spring Road
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-27

Dear Mr. Couser:

This letter is to inform you that you have been placed on the May 23, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

93 Silver Spring Road
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO
IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

*APPLICATION FEE:

\$ 50.00 ✓

*ESCROW:

\$300.00 ✓

****DEPOSIT FOR PUBLIC HEARING LIST:**

\$ 25.00 ✓

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:

\$150.00

*ESCROW:

\$500.00

****DEPOSIT FOR PUBLIC HEARING LIST:**

\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:

\$150.00

*ESCROW:

\$500.00

****DEPOSIT FOR PUBLIC HEARING LIST:**

\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:

\$150.00

*ESCROW:

\$500.00

****DEPOSIT FOR PUBLIC HEARING LIST:**

\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL. WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

_____ Application Type: Use Variance ☐ Area Variance ☒
Date _____ Sign Variance ☐ Interpretation ☐

I. **Owner Information:** _____ Phone Number: (845) 561-6606
VERNON + Claudia Couser Fax Number: _____
(Name)
93 SILVER Spring Rd, New Windsor NY 12553
(Address)

II. **Applicant:** SA Phone Number: _____
(Name) Fax Number: _____

(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: _____
SA Fax Number: _____
(Name)

(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number (845) 567-1177
Cuomo Engineer Fax Number: _____
(Name)
1016 World Trade Way, Stewart Int. Airport, New Windsor NY 12553
(Address)

V. **Property Information:**
Zone: R4 Property Address in Question: 93 SILVER Spring Rd, New Windsor
Lot Size: _____ Tax Map Number: Section 20 Block 2 Lot 9
a. What other zones lie within 500 feet? Resident + School
b. Is pending sale or lease subject to ZBA approval of this Application? NO
c. When was property purchased by present owner? JUNE 1984
d. Has property been subdivided previously? NO If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? NO

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

Garage w/canopy

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.	<i>NP</i>	<i>4'</i>	
Reqd. Side Yd.			
Reqd. Rear Yd.	<i>10'</i>	<i>3'</i>	<i>7'</i>
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area <i>Fence</i>			<i>6' Fence</i>

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

GARGAGE/CANOPY

This house located at 93 Silver Spring Road, (then 65 Silver Spring Road, change due to 911) New Windsor, NY was purchased June 1984 the garage and canopy was already existing-

Supporting Documents:

- 1- Washburn Association Survey- dated June 04, 1984 showing already existing garage/canopy
- 2- Hardenburgh Abstract Company- dated June 1984; schedule B states "premises with house, porch, garage and drive. All within bounds." Also, October 1993 the Hardenburgh Abstract Company states "no changes, all within bounds"
**in speaking with Barbara at the Hardenburgh Abstract Company in March 2005 we are told that the Town of New Windsor provides information.
- 3- Town of New Windsor letter dated June 13, 1984 signed by Patrick Kennedy, Zoning Inspector states- "Section 20, Block 2, Lot 9 was erected prior to 1965, prior to state zoning and building codes. A certificate of Occupancy was not required..., also states -
**... there are no known zoning or building violations against said premises."
- 4- Also, the Town of New Windsor letter dated Sept 30, 1993 signed by Michael Babcock, Building Inspector states "there are no violations at subject premises."

In speaking to John Smitchger of Smitchger Reality (Realtor) and Charles Obremski (Lawyer) as well as prior mentioned Barbara at Hardenburgh Abstract all research and inspections were done according to laws and no violations were found.

According to the towns property card there was no record of the garage/canopy until 1995 and that it is not with in the current zoning laws. The above mentioned with supporting documents states different.

In order to remove any violation that the town claims now exists, we are asking for a variance for the garage and canopy.

As stated in the application for variance number IX we do not believe this is an undesirable change or change of character of the neighborhood, nor a detriment to nearby properties by granting this variance. This is not an adverse or impact on the physical environmental conditions of the neighborhood or district. This was not a self-created difficulty as prior proof shows. (By the present owners requesting the variance)

FENCE

The fence in question is a replacement of a prior fence that had existed,

- 1- Prior fence was wire fence also as shown on the Washburn Associates Survey dated June 1984

The now vinyl fence was thought to be safer as well as value to the property.

So, also to remove any disapproval of building permit or violation, we are asking for a variance for the 6' vinyl fence.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- _____
- _____

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☒ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- PA 5/5/05
CK# 5551 ☒ → One in the amount of \$ 300.00 or 500.00 (escrow)
- CK# 5552 ☒ → One in the amount of \$ 50.00 or 150.00 (application fee)
- CK# 5553 ☒ → One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☒ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

4th day of April 2005.

Stephanie J. Colley
Signature and Stamp of Notary

Claudia Couser
Owner's Signature (Notarized)

Claudia Couser
Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

STEPHANIE J. COLLEY
Notary Public, State of New York
Registration No. 01C00010070
Qualified in Orange County
Commission Expires July 27, 2006

COMPLETE THIS PAGE ☐

CUOMO ENGINEERING
1016 WORLD TRADE WAY
STEWART INTERNATIONAL AIRPORT
NEW WINDSOR, NEW YORK. 12553
FAX NO. 845-567-9145
PHONE NO. 845-567-1177

DATE: April 7, 2005

TO: Town of New Windsor Building Department
555 Union Avenue New Windsor, N.Y. 12553

ATTN: Louis Krychear, Asst. Building Inspector.

JOB NO: 05092

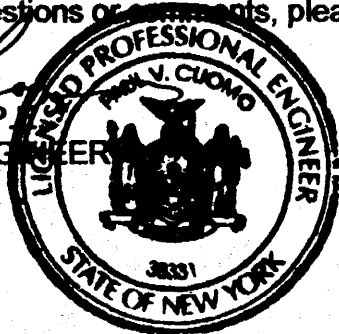
ENGINEERS REPORT

RE:
93 Silver Spring Road.
Owner: Couser, Vernon L.
Couser Claudia
93 Silver Spring Road New Windsor, N.Y. 12553
Existing garage with 12 x 22 canopy.

On April 4, 2005 I inspected existing garage with 12 x 22 canopy.
Garage measures 22' x 31'. Canopy measures 12' x 22'. The garage has a
trussed roof, and the canopy has a corrugated plastic roof. Both the garage and
the canopy are structurally sound and built according to Residential Code of New
York State and I therefore recommend that a C.O. be granted for both the
garage and the canopy.

If you have any questions or comments, please do not hesitate to call our office.


PAUL V. CUOMO P.E.
STRUCTURAL ENGINEER





Hardenburgh Abstract Company of Orange County, Inc.

12 SCOTCHTOWN AVENUE, GOSHEN, N.Y. 10924
(914) 294-6909 (914) 343-6678 FAX: (914) 294-3530

Policy Writing Agent for

Fidelity National Title

INSURANCE COMPANY OF NEW YORK

NWD-685-A

PRELIMINARY CERTIFICATE

TITLE NO RD-33-12015 (M)

Application of Claudia Couser owners \$ _____
for lessee's \$ _____
mortgagee's \$ 75,000.00 refi.
policy insuring MidCoast Mortgage Corporation, its successors and/or
assigns

FIDELITY NATIONAL TITLE INSURANCE COMPANY certifies that the title to the premises described in Schedule A, subject to the encumbrances and defects noted in Schedule B, is insurable at this date on a valid conveyance, lease or mortgage by

Vernon L. Couser and Claudia Couser

who acquired title by deed from James E. Hammer and Leonard J. Hammer

dated 6/20/84 and recorded 6/25/84 in Liber 2287 at page 307

SCHEDULE A

All that certain tract of land lying and being in the
County of Orange

Town _____ of New Windsor,
, State of New York, being more particularly described as follows:

See Schedule "A" attached.

SCHEDULE B

1. Taxes, Water Rents, Assessments and other Municipal Charges

See Tax Search attached.

Proof must be furnished that premises do not lie in an incorporated village or that all village taxes have been paid. Otherwise the policy will except "any and all village taxes, assessments and water rates and sales thereof."

2. Mortgages and Assignments thereof

Mortgagor: Vernon L. Couser
Claudia Couser

Mortgagee: Midlantic Home Mortgage Corp.

Amount: \$33,250.00 Dated: 6/2/84 Recorded: 6/25/84 Liber 1918 Page 648
as assigned to Norwest Mortgage, Inc., recorded 7/25/84 in Liber 1912
page 665;
as assigned to Federal Home Loan Mortgage Corporation, recorded 1/14/87
in Liber 2521 page 63.

SCHEDULE A

All that certain lot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange and State of New York and more particularly bounded and described as follows:

BEGINNING in the southerly line of the Silver Spring Road distant 301.4 feet on a course of south 51 degrees 30 minutes 40 seconds east from the interesection of the south line of Silver Spring Road with the east line of Quassaick Avenue and runs thence along the easterly side of a driveway south 41 degrees 03 minutes west 60 feet; thence parallel with Silver Spring Road south 51 degrees 30 minutes 40 seconds east 150 feet; thence parallel with the first described line north 41 degrees 03 minutes east 60 feet to the south line of Silver Spring Road; thence along the same north 51 degrees 30 minutes 40 seconds west 150 feet to the place of beginning.

SUBJECT, however, to the following covenants and restrictions which shall run with the title to the land forever:

1. That no part of the said premise shall ever be used for trade manufacture or business of any kind whatsoever;

2. That no lot or subdivision of the above described premises shall be less than 50 feet in width by 125 feet in depth and no building shall be erected on any lot or subdivision except one private dwelling house for one family costing not less than \$5,000 with outbuildings appurtenant thereto.

TOGETHER with a perpetual easement and right of way to and from the above described premises to Silver Spring Road over the private road now adjoining the above described premises on the westerly side thereof.

TOGETHER with a perpetual easement and right of way for the laying, maintaining or replacing of water pipes or conduits on, along or under the aforesaid driveway leading from Silver Stream Road to the

premises hereinbefore described, and for the erection, maintaining and replacement of electric and telephone lines with such poles as may be necessary on or along the said driveway.

BEING the same premises described in a deed, dated July 22, 1947, made by HELEN P. GILLIES to LEONARD M. HAMMER and I. JENNETTE HAMMER and recorded in the Orange County Clerk's Office on July 29, 1947, in Book 1052 of Deeds at page 544; the said I. JENNETTE HAMMER having died a resident of Orange County on April 10, 1974 and the said LEONARD M. HAMMER, having died on August 10, 1978, a resident of Orange County and his Last Will and Testament having been probated in said County and Letters Testamentary issued to JAMES E. HAMMER and duly recorded in Liber 70 at page 832 on September 19, 1978.

BEING the same premises described in a deed dated January 29, 1979 made by James E. Hammer as Executor of the Last Will and Testament of Leonard M. Hammer to James E. Hammer and Leonard J. Hammer and recorded in the Orange County Clerk's Office on January 31, 1979 in Liber 2122 of Deeds at page 644.

SCHEDULE B (continued)

3. Restrictive Covenants, Easements, Agreements, and Consents, Including Set-Back Established by Filed or Recorded Map. Covenants and Restrictions in Liber 1052 Cp. 544.

4. Survey made by Ronald Washburn, L.S., dated 6/4/84, shows premises with location of house, porch, garage and drive. All within bounds. Personal inspection made by Hardenburgh Abstract Company 10/2/93, shows addition of chain link fence at or along east and west property line, split rail fence adjacent to parking area. No other variations found. All within bounds.

5. Other Encumbrances or Defects:

How Disposed of

A. The Company does not insure that the buildings or other erections upon the remises herein, or their use, comply with Federal, State and Municipal Laws, regulations and ordinances.

B. No title to personal property will be insured nor has any search for financing statements been made.

C. No title is insured to any land lying in any street, road or avenue crossing or abutting the herein described premises; but, unless hereinafter excepted, the rights of access to and egress from said premises is insured.

D. Deeds and mortgages must contain the covenant required by the Lien Law as amended by laws of 1942 and such covenant must be absolute and not conditional. The covenant is not required in deeds from referees or other persons appointed by a court for the sole purpose of selling property.

E. The identity of parties at the closing of this title should be established to the satisfaction of the representative for this Company.

F. When the transaction is an assignment of a mortgage or other lien, an estoppel certificate executed by the owner of the fee and by the holders of all subsequent encumbrances must be obtained. When the transaction is a mortgage, the amount actually advanced should be reported to the Company.

G. Rights of present tenants, lessees or parties in possession.

H. Rights, if any, in favor of any electric light or telephone company to maintain guy wires extending from said premises to poles located on the roads on which said premises abut, but policy will insure, however, that there are no such agreements of record in connection therewith, except as may be shown herein.

I. Underground encroachments and easements, if any, including pipes and drains, and such rights as may exist for entry upon said premises to maintain, and repair the same, but policy will insure, however, that there are no such agreements of record, in connection therewith, except as may be shown herein.

J. The exact acreage of the premises herein will not be insured.

K. Riparian rights, if any, in favor of the premises herein are not insured.

L. Rights of others to drain through creeks or streams, if any, which cross premises and the natural flow thereof will be excepted.

M. No personal inspection of the premises has been made. Policy will except "Any state of facts which a personal inspection of the premises herein described would disclose."

N. Loss or damage by reason of non-compliance with the Federal "Truth In Lending Act."

O. Subject to any loss or damage resulting from a claim made against the insured title based upon operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

P. Mortgage shown herein to be considered or disposed of.

Q. Certificate of Occupancy, see attached.

R. Violation Search, see attached.

S. Street Report, see attached.

T. Flood Hazard Certification, see attached.

Continued....

This title is certified down to the 20th day of September 1993 at _____ o'clock _____ M


Hardenburgh Abstract Company of Orange County, Inc. /vh
by James V. Rinaldi

NAME OF PARTY TO BE INSURED: MidCoast Mortgage Corporation, its successors and/or assigns

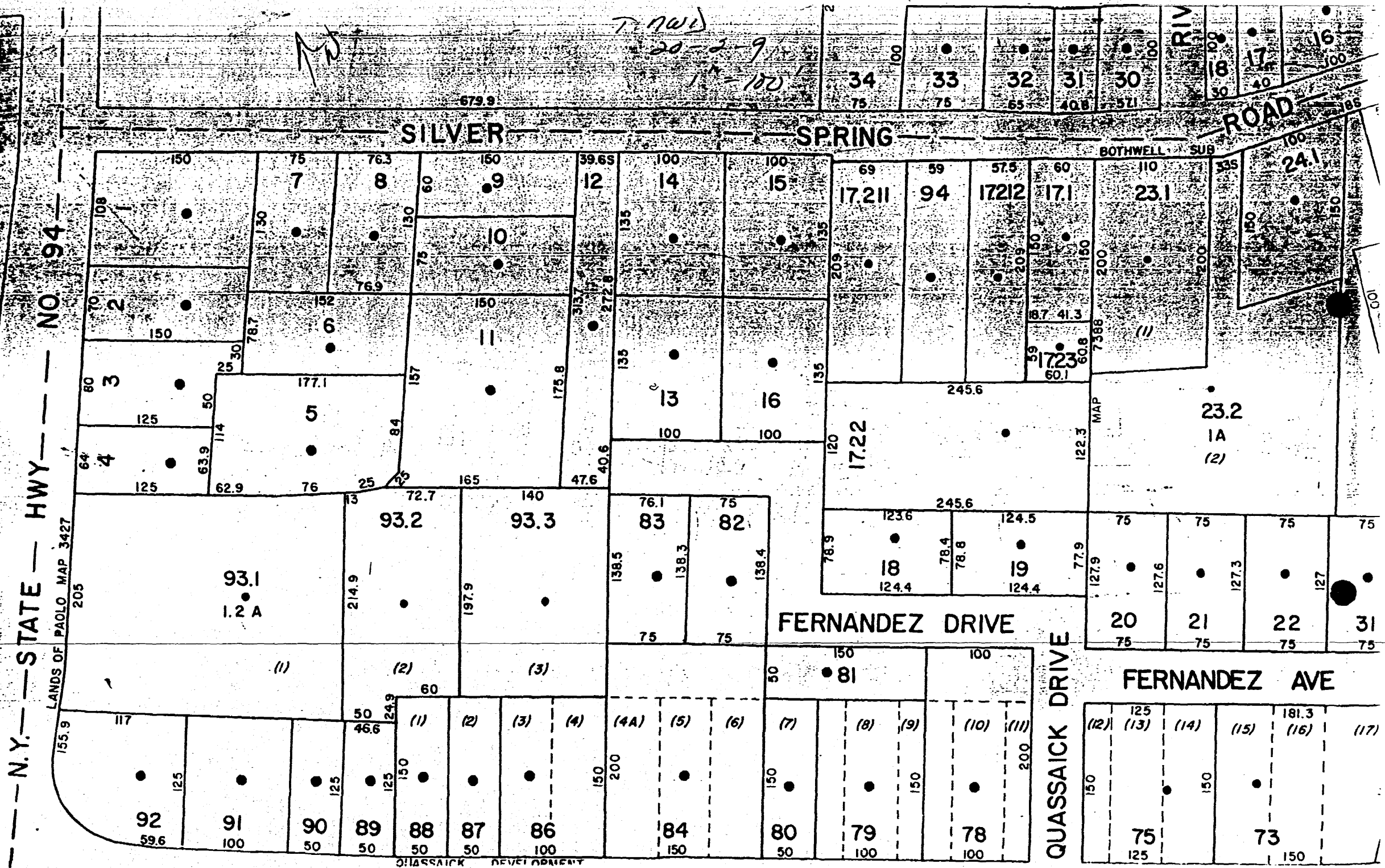
FIDELITY NATIONAL TITLE INSURANCE COMPANY insures, subject to the matters shown in Schedule B, against loss or damage in the amounts set forth which its insured may sustain by the failure of this Preliminary Certificate to reflect correctly the record title to the property described as of the above date and hour; such insurance to be null and void unless the premium thereon is paid. Upon the issuance of said policy, this certificate shall be of no further force and effect and no liability for loss or damage will be assumed by the Company other than that arising under said policy.

Executed this _____ day of _____ 19____

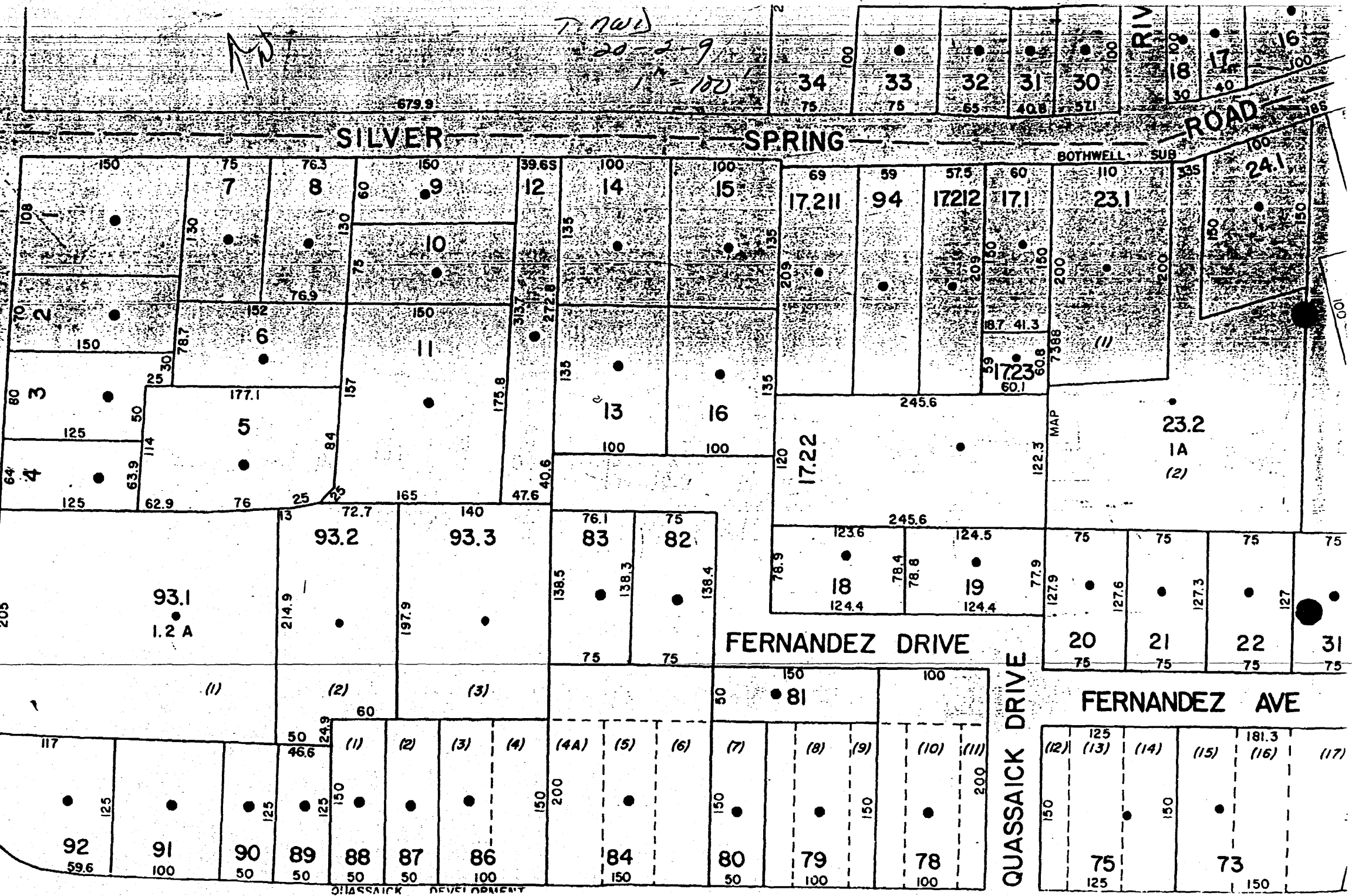
FIDELITY NATIONAL TITLE INSURANCE COMPANY

By: _____


TOWN OF NEW WINDSOR



N.Y. STATE HWY NO 94



SILVER SPRING

FERNANDEZ DRIVE

QUASSAICK DRIVE

FERNANDEZ AVE

20-2-91
17-100

BOTHWELL SUB

ROAD

RIV

QUASSAICK DEVELOPMENT



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

HARDENBURGH ABSTRACT COMPANY
ORANGE COUNTY, INC.
P. O. Box 638
12 Scotchtown Avenue
Goshen, N. Y. 10924

Attn: Mr. James V. Rinaldi

Re: Your File RD-33-12015

Dear Sir:

In reference to the above subject known as Section 20, Block 2, Lot 9 on Town of New Windsor tax map and owned by James E. Hammer and Leonard Hammer, 65 Silver Spring Road, was erected prior to the adoption of the State Zoning and Building Code.

A Certificate of Occupancy was not required prior to 1965, therefore none has been issued or is required at this time.

Silver Spring Road is Town owned and maintained.

Very truly yours,

Patrick T. Kennedy
Patrick T. Kennedy, L. S.
Bldg./Zoning Inspector

PTK/mfb



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

Copy

SEPTEMBER 30, 1993

HARDENBURGH ABSTRACT COMPANY
P.O. BOX 638, 12 SCOTCHTOWN AVENUE
GOSHEN, N.Y. 10924

PROPERTY ASSESSED TO: VERNON AND CLAUDIA COUSER
65 SILVER SPRINGS ROAD
NEW WINDSOR, NY 12553
SECTION 20, BLOCK 2, LOT 9

DEAR SIR:

THIS LETTER HAS BEEN PREPARED AFTER INSPECTION OF THE RECORDS AVAILABLE IN THE TOWN HALL. THE RECORDS INDICATE THAT THERE ARE NO VIOLATIONS AT THE SUBJECT PREMISES. NO PERSONAL INSPECTION WAS MADE BY THE UNDERSIGNED FOR THE PURPOSE OF PREPARING THIS LETTER. THE TOWN OF NEW WINDSOR DOES NOT REPRESENT THAT THERE ARE NO VIOLATIONS AT THE SUBJECT PREMISES, ~~HOWEVER, THE TOWN WILL REPRESENT THAT IT HAS NO KNOWLEDGE OF ANY VIOLATIONS AT THE SUBJECT PREMISES.~~

THE INSPECTION OF THE RECORDS WAS PERFORMED AT THE REQUEST OF AN INTERESTED PARTY. THE TOWN WILL NOT BE LIABLE FOR ANY LOSS OR DAMAGE THAT MAY BE SUFFERED BY THE INTERESTED PARTY OR ANY OTHER PARTY WHO MAY RELY ON THE CONTENTS OF THIS LETTER.

TITLE #9 NYCRR REQUIRES THAT A SMOKE DETECTOR BE INSTALLED PRIOR TO THE SALE OF THESE PREMISES. PLEASE SUBMIT TO THE FIRE INSPECTOR AT THE ABOVE ADDRESS THE ENCLOSED AFFIDAVIT OF COMPLIANCE INDICATING THAT A SMOKE DETECTOR HAS BEEN INSTALLED AND IS IN OPERATION.

VERY TRULY YOURS,

Michael Babcock
MICHAEL BABCOCK
BUILDING INSPECTOR *MB*

MB:ldm